

IN-HOLDER ACCESS

Tom Harris

I was raised with a healthy respect for private property rights. On the wilderness

there are very few places in this world where it is as important as
side, I can see how the private property impedes wilderness progress and values.

In just about every case the environment trumps all other factors. I believe that.

I also believe there is more than one way to address a problem. Our problem is reasonable access vs. unfettered access. Reasonable is one of those wimpy words like adequate. Can be defined in too many ways.

If wilderness advocates were required to guarantee a solid block of land, unencumbered, so to speak, with private property, we wouldn't be having this conversation. But they're not. Once a landowner becomes surrounded by wilderness there exists tremendous tactical advantage enhanced by the stigma of access control by the land managers as interpreted by regulation. Strikes me as an abandonment of moral principle.

Affecting one's access to his property is a taking of value and not necessarily monetary value. There are more important things than a dollar. Were the property mine and I still had a blanket and a can of beans you couldn't buy it!

Where in the sense of fair play does it say that the property owner, finding himself surrounded, has to take all the lumps? He had unfettered access going in and should still have it.

We, the SMAC, have accepted the challenge of being innovative in the course of our recommendations but find that very difficult in the bureaucratic arena surrounded by regulation and precedent.

A recommendation for unfettered access is a chance to be innovative and we should take it. The next time someone wants to form wilderness this would give some

incentive and direction to try harder to secure the land first. UNTIL SUCH TIME

AS THE PROPERTY ^{MAY BE} IS ACQUIRED FOR WILDERNESS, I

SUGGEST YOU EXERCISE A MODICUM OF PATIENCE.

FOR MOST OF US, INSTANT GRATIFICATION QUIT WHEN WE WERE WEARIED.
We don't need an endless argument ending in an offering of individual thoughts. We

should be able to discern right from wrong even when it goes against personal bias.

The end doesn't always justify the means.

We need a motion, a second and a vote. You'll also note that consensus is a pretty word but its technical description is a majority. Let's step up to the plate.

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Steens Mountain Advisory Committee
Public Comment
By Ken Snider
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Thank you for this opportunity to present my views on the subject of this morning's discussion about in-holder access across wilderness in the Steens CMPA area.

The facts concerning the land in and around Steens Mountain are this: For some lands in this area the designation has been changed to wilderness. By definition, this change requires that in-holders must recognize that access to their land is subject to the law, and administrative rules and precedent that govern machine based modes of travel over and through designated wilderness.

I'd like to put to you a hypothetical case. Suppose somehow you have some land that is not accessible by any public road or other public way. In fact you can only access the land by going through your neighbor's property. For many years you have been able to go through your neighbor's property as you please without much discussion because it does not affect them when you do.

Well darn, a couple of years ago the zoning changed from farm/range use to residential use. Your neighbor builds a house there and now your usual access route cuts through their back yard. What do you do now? Do you demand that your neighbor give you the same access privileges you had before? Coming and going as you please? Or, do you talk to your neighbor and work out some kind of arrangement for access that accommodates the new situation. Does the property owner have the right to make some restrictions on the means, times, frequency, and duration of access across their land. I mean after all, would you like to have your backyard relaxation interrupted by someone driving through without notice or consideration of your property rights?

This is the situation we have here. The land has a new designation, and that reality must be recognized and dealt with inside the law and BLM administrative rules. I know some of you may say: "The wilderness is public land and is owned by all of us. And I have a right to go over public land to get to my in-holding as I have in the past." But I say the land is owned by people across the United States. People in Vermont, Minnesota, Nebraska, Hawaii, and all the other states have ownership of this land, and their wishes as expressed through the Wilderness Act should be respected by you as you make your recommendations to the BLM. To suggest that past practices have precedent over the Wilderness Act is in my opinion, not only insular and parochial, but violate the spirit of cooperation in the CMPA.

Ken Snider